



October 4, 2019

Via ECFS and Hand Delivery

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Womble Bond Dickinson (US) LLP

1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

t: 202.467.6900
f: 202.467.6910

**Re: Request for Confidential Treatment of Sensitive
Financial Information for Great Lakes Communication
Corp. & Northern Valley Communications, LLC,
Petition for Stay of Report and Order Pending Appeal,
*In the Matter of Updating the Intercarrier Compensation
Regime to Eliminate Access Arbitrage*, WC Docket No. 18-
155**

David Carter
Partner
Direct Dial: 202-857-4593
Direct Fax: 202-261-0083
E-mail: David.Carter@wbd-us.com

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 1.43 of the Commission's rules, 47 C.F.R. §§ 0.459, 1.43, Great Lakes Communication Corporation ("GLCC") and Northern Valley Communications, LLC ("NVC") (collectively "the CLECs"), by their attorneys, respectfully request that certain information be withheld from public inspection in the following documents: (1) Petition for Stay of Report and Order Pending Appeal of Great Lakes Communication Corporation, Northern Valley Communications, LLC, No Cost Conference, Inc., Sipmeeting, LLC, and Total Bridge, Inc. (the "Stay Petition"); (2) Declaration of Joshua Dean Nelson on Behalf of Great Lakes Communication Corporation (the "GLCC Declaration"); and (3) Declaration of James Groft on Behalf of Northern Valley Communications, LLC (the "NVC Declaration"). These documents are being submitted in reference to the Report and Order and Modification of Section 214 Authorizations recently adopted on September 26, 2019, and released on September 27, 2019, in WC Docket No. 18-155, *In the Matter of Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage* (the "Access Stimulation Order").

Specifically, GLCC and NVC request that the Commission withhold from any future public inspection and afford confidential treatment to certain portions of the Petition, GLCC Declaration, and NVC Declaration that relate to the following: (1) the CLECs' current financial position for the period January 1, 2019, to August 31, 2019; (2) the CLECs' estimated losses for the period January 1, 2019, to August 31, 2019, if the *Access Stimulation Order's* rules were effective in 2019; (3) information regarding the CLECs' customer bases, business contracts, and relationships with named third parties; and (4) information regarding the CLECs' past legal fees and costs and internal personnel commitments associated with access stimulation disputes and tariff revisions.



This confidential information, which has been redacted from the publicly available version of the documents, constitutes confidential commercial and/or financial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”). Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to ... trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4).

In support of the CLECs’ request for confidential treatment and pursuant to the requirements under Section 0.459(b) of the Commission’s rules, 47 C.F.R. § 0.459(b), the CLECs’ state the following:

1. Identification of the Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))

The CLECs seek confidential treatment of commercial and/or financial information that includes the following: (1) the CLECs’ current financial position for the period January 1, 2019, to August 31, 2019; (2) the CLECs’ estimated losses for the period January 1, 2019, to August 31, 2019, if the *Access Stimulation Order*’s rules were effective in 2019; (3) information regarding the CLECs’ customer bases, business contracts, and relationships with named third parties; and (4) information regarding the CLECs’ past legal fees and costs and internal personnel commitments associated with access stimulation disputes and tariff revisions. This commercial and/or financial information can be found on **pages 22-23 and 26 of the Petition** and in **paragraphs 4, 6, 8, and 13 of the GLCC Declaration** and **paragraphs 5, 7, 9, and 13 of the NVC Declaration**. This information, and only this information, has been redacted from the publicly available version of these documents.

2. Identification of the Commission Proceeding in Which the Information was Submitted or A Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

The CLECs are submitting the information covered by this request in conjunction with the Petition for Stay Pending Appeal of the Report and Order and Modification of Section 214 Authorizations in WC Docket No. 18-155, *In the Matter of Updating the Inter-carrier Compensation Regime to Eliminate Access Arbitrage*, adopted September 26, 2019, and released September 27, 2019. This Stay Petition has been filed by Great Lakes Communication Corporation, Northern Valley Communications, LLC, No Cost Conference, Inc., Sipmeeting, LLC, and Total Bridge, Inc. To address the CLECs concerns with the *Access Stimulation Order* and to establish the irreparable harm the CLECs will face following the *Access Stimulation Order*’s promulgation (and thus why they are entitled to a stay), the CLECs submitted the information covered by this request.

3. Explanation of the Degree to Which the Information is Commercial or Financial, or Contains A Trade Secret or Is Privileged (Section 0.459(b)(3))

The information covered by this request is protected from disclosure because it contains the sensitive and confidential commercial and financial information of the CLECs.



4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The information covered by this request contains information regarding the following: (1) the CLECs' current financial position for the period January 1, 2019, to August 31, 2019; (2) information regarding the CLECs' estimated losses for the period January 1, 2019, to August 31, 2019, if the *Access Stimulation Order* was effective in 2019 (this estimate is based on the CLECs' existing traffic volumes and rates for the period referenced); (3) information regarding the CLECs' customer bases and business contracts and relationships with named third parties; and (4) information regarding the CLECs' past legal fees and costs and internal personnel commitments associated with access stimulation disputes and tariff revisions. The CLECs are not publicly-traded companies and maintain information regarding their financials, business dealings, and subscriber bases as confidential and not available for public disclosure. Moreover, the CLECs, as competitive local exchange carriers, must compete with other local exchange carriers for business in Iowa and South Dakota, and if other carriers were to have access to the CLECs' current commercial and financial information it could negatively affect the CLECs' competitive positions.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure of the information covered by this request would provide competitors with insights into the CLECs' current financial strength, business dealings, and internal resource allocation plans. This information includes the likely impact the *Access Stimulation Order* will have on the CLECs' finances, and could compromise their positions in business negotiations with third parties going forward. This would harm the CLECs' overall competitive positions and work to their substantial competitive disadvantage.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

The CLECs keep the information covered by this request strictly confidential. The CLECs only share the information with counsel, board members, and a limited number of employees. The CLECs do not share this information with non-essential employees or agents without entering into a non-disclosure agreement with the company with whom the employee or agent is engaged.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

The information covered by this request has not been made publicly available and it has not previously been disclosed to any third parties.



8. Justification of the Period During Which the Submitting Party Asserts that Material Should Not Be Available for Public Disclosure (Section 0.459(b)(8))

The information covered by this request should be treated as confidential for an indefinite period, as there are substantial competitive harms associated with the disclosure of the confidential information.

* * * * *

Please direct any questions concerning this request to the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, reading "D. David Carter".

David Carter

*Counsel to Great Lakes Communication
Corporation and Northern Valley Communications,
LLC*

Enclosures